

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

EAST TENNESSEE NATURAL GAS CO., )	)	
Plaintiff, )	)	Case No. 4:02-cv-00146
v. )	)	<b>ORDER</b>
3.04 ACRES IN PATRICK COUNTY, )	)	By: Jackson L. Kiser
VIRGINIA, JERRY S. THOMAS, BETTY )	)	United States District Court
B. THOMAS, et. al. )	)	
Defendants. )	)	

Before me are six *Motions in Limine* filed by the Plaintiff and three *Motions in Limine* filed by the Defendants. In addition, there is a *Motion to Return to Jury Selection Process that Provides the Defendant a Minimum of Three Peremptory Challenges to the Jury Panelists* filed by the Defendants. A hearing on these *Motions* was held before this Court on Tuesday, January 16, 2007 at 9:00AM in Danville, VA.

(1) Plaintiff's *Motion for an Order in Limine Excluding Certain Testimony of Johnny Lambert* [125] is hereby **GRANTED** on the conditions set forth on the record of the hearing.

(2) Plaintiff's *Motion for an Order in Limine Excluding the Testimony of Jeffrey Hammaker* [129] is hereby **GRANTED**, in part, for the reasons stated on the record. Hammaker may not testify to his interpretations of the law but may state the advice he relates to his clients when planning real estate transactions.

(3) Plaintiff's *Motion for an Order in Limine to Exclude (1) Frank D. Porter's Comparable Sale #5 and (2) All References to Sales Not Included as Comparable Sales* [133] is hereby **GRANTED** for the reasons stated on the record.

(4) Plaintiff's *Motion for an Order in Limine Excluding Certain Testimony of John D. Lewis* [135] is hereby **OVERRULED**.

(5) Defendants' *Motion in Limine to Exclude the Appraisal Testimony of James Johnston as Unreliable Based on an Erroneous Factual Foundation* [141] is hereby **DISMISSED** as moot.

(6) Plaintiff's *Motion for an Order in Limine Excluding Any Testimony Regarding Property Damage Occurring After the Property Sold to Hopkins, LLC* [160] is hereby **GRANTED** for the reasons stated on the record.

(7) Plaintiff's *Motion for an Order in Limine Excluding Reference to Plaintiff's Construction Specifications* [164] is hereby **OVERRULED**.

(8) Defendants' *Motion in Limine to Exclude Testimony or Other Evidence on Development Near ETNG Pipelines Built Under Easements Different that the Easement that ETNG Condemned in the Thomas Property and Because the Evidence Constitutes Inadmissible Hearsay of Absent Duke Energy Engineers* [175] is hereby **OVERRULED**.

(9) Defendants' *Motion in Limine to Exclude Undisclosed Bases of Opinions of Plaintiff's Expert Witness Nick Brash and his Testimony Relating to Conditions Outside of the Easement Area on the Thomas Property for Lack of Foundation* [177] is hereby **OVERRULED** for the reasons stated on the record.

(10) Defendants' *Motion to Return to Jury Selection Process that Provides the Defendant a Minimum of Three Peremptory Challenges to the Jury Panelists* [179] is hereby **OVERRULED** for the reasons stated on the record.

The Clerk is directed to send certified copies of this *Order* to all counsel of record.

Entered this 16<sup>th</sup> day of January, 2007.

s/Jackson L. Kiser  
Senior United States District Judge